### IN THE UNITED STATES DISTRICT COURT

#### FOR THE DISTRICT OF DELAWARE

CRYOVAC, INC.,	)
Plaintiff/Counter-Defendant,	)
v.	) C.A. No.: 04-1278 (KAJ)
PECHINEY PLASTIC PACKAGING, INC.,	) ) )
Defendant/Counter-Plaintiff.	)

# PLAINTIFF CRYOVAC INC.'S MOTION IN LIMINE TO **EXCLUDE EXPERT TESTIMONY**

Plaintiff Cryovac, Inc. by and through its undersigned counsel, hereby moves pursuant to Paragraph 3(d) of the Court's scheduling order to exclude the testimony of Pechiney's experts, Dr. Eldridge Mount, III and Mr. Larry Evans. The grounds for this Motion are fully set forth in "Cryovac Inc.'s Opening Brief in Support of its Motion in Limine to Exclude Expert Testimony," which is filed and served contemporaneously herewith.

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WHEREFORE, Plaintiff Cryovac, Inc. respectfully requests that the Court enter the attached Order granting its Motion.

Dated: October 19, 2005

Of Counsel: Ford F. Farabow Joann M. Neth Rebecca D. Hess Mark J. Feldstein FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P. 901 New York Ave., N.W. Washington, D.C. 20001 (202) 408-4000

Respectfully submitted,

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Attorneys for Plaintiff, CRYOVAC, INC.

## **CERTIFICATE OF SERVICE**

I, John W. Shaw, hereby certify that on October 19, 2005, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such document is available for viewing and downloading to the following counsel of record:

> N. Richard Powers, Esquire Connolly Bove Lodge & Hutz LLP The Nemours Building 1007 North Orange Street P. O. Box 2207 Wilmington, DE 19899

I further certify that I caused a copy of the foregoing document to be served by hand delivery on the above-listed counsel of record and on the following non-registered participants in the manner indicated.

#### BY FEDERAL EXPRESS

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